

THE C-BAND COALITION

AT&T

COMSAT Corporation

GE American Communications, Inc.

ICG/INTN Satellite Services

Hughes Communications Inc.

Lockheed Martin Global Telecommunications

Loral Space and Communications

Loral Orion Network Systems

MCI Worldcom

Motorola, Inc.

New Skies Satellites, N.V.

PanAmSat Corporation

Satellite Broadcasting & Communications Association

Satellite Industry Association

Teledesic Corp.

TRW, Inc.

The C-Band Coalition

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Ex Parte Submission by the C-Band Coalition concerning the
Amendment of Commission Rules with Regard to the 3650-3700
MHz Government Transfer Band; ET Docket No. 98-237.

Dear Ms. Salas:

Eleven months ago the Commission instituted a freeze on applications for earth stations in the 3650-3700 MHz band, also known as the extended C-band. Since that time, our coalition of satellite and telecommunications service providers has urged the Commission in several letters and meetings to lift the freeze. As we have repeatedly explained in these letters and meetings, the freeze is substantially harming the ability of satellite operators to provide critical communications services to existing as well as future customers in both urban and rural America.

Nearly one year later, the Commission has taken no action with respect to lifting the freeze. Moreover, the Commission has yet to make any decisions in the proceeding in which it originally instituted the freeze.

The Commission's proposal regarding use of the extended C-band continues to generate widespread concern in the traditional fixed satellite service (FSS) and emerging broadband sectors of the satellite industry. Despite the Commission's stated desire to foster broadband competition across industry lines, the Commission's inaction in allocating and assigning limited extended C-band frequencies for the broadband satellite licensees will delay the ability of the system operators to construct and deploy their systems in a timely fashion. These new satellite systems are seeking to provide ubiquitous broadband access to American consumers, regardless of geographic location. Therefore, the C-Band Coalition (the "Coalition") respectfully urges the Commission to reconsider the immediate and long-term impact of its plan for the extended C-band on both existing and potential users of that spectrum.

Mr. J. Charles Smith
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Specifically, the Coalition asks the Commission to immediately take the following three steps to preserve the viability of existing satellite operations while protecting the future rights and opportunities of new users of the extended C-band: (1) allocate the extended C-band to accommodate Telemetry, Tracking and Control functions for licensed and planned advanced satellite systems; (2) create a forum to consider the technical feasibility of traditional satellite and terrestrial co-primary use of the extended C-band; and (3) immediately lift the freeze on a limited basis to allow continued operations of satellite services in the extended C-band until the future of the extended C-band is resolved.

First, the Commission must place potential users of the extended C-band for Telemetry, Tracking and Control ("TT&C") on equal footing with existing earth station operators and possible terrestrial, fixed wireless users before it issues final rules on the use of this band. In order for advanced satellite systems to develop as viable and competitive telecommunications service providers, reliable spectrum for critical TT&C functions must be immediately identified, allocated, and assigned. Over two years ago, nine Ka-band GSO satellite licensees filed a Petition for Rulemaking with the Commission, requesting that spectrum in the extended C-band be allocated for their TT&C use. At that time, the Commission also forwarded to the ITU the associated satellite frequency filings for those frequencies. To date, the Commission has taken no action on that Petition, and as a direct result, satellite licensees continue to face uncertainty in the building out of their advanced satellite systems. The Coalition urges the Commission to give TT&C a co-primary allocation in the extended C-band, recognizing that there is no sharing difficulty between TT&C and either satellite earth station or terrestrial uses. Such allocation and assignment would ensure that the need for TT&C spectrum is given equal consideration in the ongoing debate and certainty to systems that are currently under construction.

Second, the Commission must create and oversee a forum to examine the feasibility of terrestrial and satellite earth station users sharing the extended C-band. In the various comments filed in response to the Commission's initial proposal to license fixed wireless access services in the extended C-band, several parties, including terrestrial interests, questioned whether equipment to operate in this spectrum was available, whether the proposed allocation was consistent with international allocation tables, and whether 50 MHz of spectrum would be sufficient to accommodate a viable broadband terrestrial service. In the time since the Commission originally instituted the freeze in the extended C-band for satellite earth stations, the uncertainties concerning the viability of terrestrial, fixed wireless services in the 50 MHz of the extended C-band have only increased.

Furthermore, it appears increasingly unlikely that an additional 50 MHz "companion" band of spectrum will be forthcoming from the spectrum below the extended C-band, further decreasing the possibility that the extended C-band could be used to provide a competitive alternative to the local loop. In light of these uncertainties, and the possibility that the terrestrial use of this spectrum will continue to change over time, the Commission must take the responsibility of considering whether and how fixed wireless access or other terrestrial applications can operate compatibly with existing and proposed satellite uses of the band. Not only do satellite carriers have insufficient information to evaluate the possibilities of sharing on their own, but it is unfair to force the satellite industry to bear all the costs and responsibilities of considering the technical parameters of sharing. The Commission must designate an appropriate forum to consider sharing and require fair contributions – both financial and technical – from all interested parties to such forum.

Third, effective immediately, and until such time as the sharing issues have been resolved, the Commission must provide some interim relief for the satellite industry in the extended C-band. The Coalition urges the Commission to adopt a geographic plan to allow continued earth station operations in some parts of the country while retaining the freeze on the extended C-band in other areas.

The specific relief the Coalition seeks is: (1) the Commission should grandfather all existing earth stations licensed in the extended C-band, as proposed in the original Notice; (2) the Commission should accept applications for new earth stations, as well as major modifications to existing earth stations, where the earth station would be located within one of the 200 largest Basic Trading Areas ("BTAs") (based on population); and (3) the Commission should accept waiver requests to allow modifications to all grandfathered earth stations located outside the 200 largest BTAs for good cause (for example, where the modification will not change the operating technical parameters of the station). By providing this immediate relief, the Commission will preserve the viability of satellite telecommunications services that rely on the significant investment already made to launch and operate extended C-band transponders.

This plan, while providing the necessary relief to satellite operators, will not jeopardize the Commission's flexibility in the extended C-band spectrum. Indeed, this plan preserves the Commission's ability to respond to the outcome of the sharing studies. Specifically, if the sharing study demonstrates that both satellite and terrestrial uses can be accommodated in this spectrum, the Commission can reallocate the spectrum to satellite and terrestrial uses on a co-primary basis and adopt operating rules consistent with the results of that sharing study. On the other hand, if the sharing study demonstrates that the proposed terrestrial and existing traditional satellite uses are incompatible, the Commission has not foreclosed the possibility of either allocation in the extended C-band. Finally, if the future prospects for a viable terrestrial service in this band remain dim, the Commission could also simply retain the extended C-band for satellite services.

Only by taking immediate steps to consider and accommodate the needs of satellite, TT&C and terrestrial users alike can the Commission preserve the future possibilities of the extended C-band without jeopardizing the future viability of any particular service.

In summary, the C-Band Coalition urges the Commission to act promptly on the three recommendations we have provided before there is further harm to the satellite industry. Spectrum allocations for licensed and planned advanced satellite systems' TT&C functions, the creation of a forum to consider technical solutions for co-primary use of the band, and the immediate lifting of the freeze on a limited basis are critical actions that must be undertaken while the future use of the extended C-band is resolved. Satellite operators and their current and future customers should not be forced to continue to bear the costs and burdens associated with the existing freeze on earth station licensing in the extended C-band.

Respectfully submitted,

The C-Band Coalition

The C-Band Coalition Members

AT&T	MCI WorldCom, Inc.
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Loral Space & Communications, Ltd.	Teledesic, Inc.
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